

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3223 of 1991

AND

SPECIAL CIVIL APPLICATION NO.3226 OF 1991

AND

SPECIAL CIVIL APPLICATION NO. 4293 OF 1995

AND

SPECIAL CIVIL APPLICATION NO. 4315 OF 1995

AND

SPECIAL CIVIL APPLICATION NO. 5924 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MANAGER

NAVJIVAN ROLLER FLOUR & PULSE MILLS LTD

IN ALL THE MATTERS.

Versus

STATE OF GUJARAT AND ANOTHER IN ALL THE MATTERS

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Appearance:

MR JC SHETH for Petitioner in all the matters

GOVERNMENT GOVT. PLEADER for Respondents Nos. 1, 2 in all the matters.

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 19/06/96

COMMON ORAL JUDGEMENT

The group of five special civil applications is decided by this common judgment, as identical question of law arises in all the petitions.

It is contended by Shri J.C.Sheth that by order dt. 20th April, 1991, the State of Gujarat has exempted wheat from the operation of the Gujarat Essential Commodities (License Control and Stock) Declaration Order, 1981 (hereinafter referred to as Order of 1981) and therefore, the impugned order of confiscating the wheat is illegal. It is further submitted by Mr. Sheth that item wheat has already been deleted from the order of 1981. Learned counsel has also referred to a decision of the State Government dt. 3/4/1992 passed in Appeal No. 1090-2848-J. He has also referred to some more decisions. It is contended by the learned counsel that the State Government has been adopting inconsistent approach in judicial matters.

Learned Asstt. Government Pleader submits that the impugned order in respective petitions has been passed in contravention of the provisions of the Gujarat Essential Articles Dealers Order, 1977 which is not deleted from the said order of 1981. This position has been disputed by Mr. Sheth. However, considering the facts and circumstances of the case, it will be appropriate that this aspect is considered by the State Government.

In view of the aforesaid, the special civil applications are allowed, and the impugned orders passed by the State Government in respective special civil applications are set aside, with the direction that the concerned authority will rehear the petitioners or their counsel and pass afresh orders. The petitioners in each petition shall appear before the Deputy Secretary, Food & Civil Supplies Department, Government of Gujarat on 22nd July, 1996. In case, it is not convenient to the concerned authority to hear the matters on 22nd July, 1996, the next date will be given to the parties in this regard. Rule made absolute to the aforesaid extent.

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